

ORIGINAL

EDWARD H. KUBO, JR. 2499  
 United States Attorney  
 District of Hawaii

EDRIC M. CHING 6697  
 Assistant U. S. Attorney  
 ATTN: Financial Litigation Unit  
 Rm. 6-100, PJKK Federal Building  
 300 Ala Moana Boulevard  
 Honolulu, HI 96850-6100  
 Telephone No. (808) 541-2850  
 Fax: (808) 541-2958  
 Email: Edric.Ching@usdoj.gov

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

JUL 29 2008  
 at 2 o'clock and 15 min. M.  
 SUE BEITIA, CLERK

Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Civil No. 03-00115 DAE BMK
	)	
Plaintiff,	)	WRIT OF CONTINUING
	)	GARNISHMENT;
v.	)	INSTRUCTIONS TO THE
	)	GARNIShee; ANSWER OF
WILLIAM NOBLE KAUPU, JR. aka,	)	THE GARNIShee FORM
WILLIAM N. KAUPU, JR. and	)	
WILLIAM N. KAUPU,	)	
	)	
Defendant,	)	
	)	
STATE OF HAWAII,	)	
	)	
Garnishee.	)	
	)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: STATE OF HAWAII  
 Department of Accounting & General Services  
 Accounting Division - Pre Audit Branch  
 Attn: Claire Fukui  
 1151 Punchbowl Street  
 Honolulu, HI 96813

An application for a Writ of Garnishment against the property of Defendant-Judgment Debtor WILLIAM KAUPU, JR. (hereinafter referred to as "Debtor"), social security number XXX-XX-4103, whose last known address is: P.O. Box 1858, Kaunakakai, HI 96748, has been filed with the Court. A judgment in a civil case was entered against the Debtor in the United States District Court, District of Hawaii, on March 24, 2003, in the principal amount of \$20,000.00, plus interest at the rate of 1.27 percent per annum, until paid in full, computed daily and compounded annually, plus court costs in the amount of \$150.00. The amount due as of July 25, 2008, is \$20,232.46.

You are required by law to answer in writing, under oath, and within ten (10) days after receipt of the Writ, the following information: (1) Whether or not you have in your custody, control or possession, any property owned by the Debtor, including nonexempt, disposable earnings; (2) A description of such property and the value of the property; (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt; and (4) The amount of the debt you anticipate owing to the Debtor in the future and whether the period for payment will be weekly or another specified period.

You are also required by law to withhold and retain any property in which the Debtor has a substantial nonexempt interest

for which you are or may become indebted to the Debtor pending further Order of the Court.

Under the law, there is property which is exempt from the Writ of Garnishment. Property which is exempt and which is not subject to the Order is listed on the attached Claim for Exemption Form.

Nonexempt earnings are defined as 25 percent of the Debtor's disposable earnings per pay period, calculated by deducting from gross wages the following required withholdings: federal income taxes, social security and medicare taxes, state income taxes, state disability insurance, and required payments to a public employee retirement system. However, the Debtor is entitled to receive, free from garnishment, minimum net wages of \$154.50 per week.

You are, therefore, required by law to withhold 25 percent of the Debtor's disposable earnings, beginning with any earnings that you owed to the Debtor on the date that you received the Writ, and continuing until further Order of the Court.

Pursuant to 15 U.S.C. §1674, you are prohibited from discharging the Debtor from employment by reason of the fact that his earnings have been subject to garnishment.

You must file the original written Answer to the Writ within ten (10) days of your receipt of the Writ with the Clerk

of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

Additionally, you are required by law to serve a copy of the Answer to the Writ upon the Debtor at: P.O. Box 1858, Kaunakakai, HI 96748 and upon the United States Attorney, Attn: EDRIC M. CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

If you fail to answer the Writ or fail to withhold property in accordance with the Writ, the United States may petition the Court for an Order requiring you to appear before the Court to answer the Writ and to so withhold the property before the appearance date. If you fail to appear or do appear and fail to show good cause why you failed to comply with the Writ, the Court will enter a judgment against you for the value of the Debtor's nonexempt interest in such property (including nonexempt disposable earnings). The Court may also award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified herein and if the United States files a petition requiring you to appear.

DATED: JUL 29 2008, at Honolulu, Hawaii.

SUE BEITIA  
United States District Court  
District of Hawaii

By \_\_\_\_\_  
Deputy Clerk

